

REMARKS

Claims 1-27 are all the claims presently pending in the application.

Applicant gratefully acknowledges that **claims 11-16 and 23-27 are allowed**.

However, for the reasons set forth below, Applicant respectfully submits that all of the claims are allowable over the prior art of record.

Claims 1, 3, 5, 6, 8, 10, and 17-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mesh (U.S. Publication No. 2002/0085591A1). (It is noted that claim 20 is not listed in the heading for this rejection, but is included in the text of the rejection at page 3, paragraph 7, of the Office Action.)

Claims 2, 4, 7, 9, 18, 19, 21, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mesh in view of Baum (U.S. Patent No. 6,904,054).

These rejections are respectfully traversed in the following discussion.

I. THE PRIOR ART REJECTIONS

A. Claims 1, 3, 5, 6, 8, 10, and 17-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mesh. Claims 2, 4, 7, 9, 18, 19, 21, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mesh in view of Baum.

Applicant submits that the Mesh reference can be removed as prior art by perfecting the claim to foreign priority and filing a Declaration under 37 C.F.R. § 1.131 showing invention of the subject matter of the present application prior to the filing date of the Mesh reference.

For example, the Mesh reference was filed in the U.S. on **January 3, 2001**, prior to the present application's filing date, and published as a U.S. Patent Application Publication on **July 4, 2002**, after the present application's filing date. Thus, Mesh is

available as prior art only under 35 U.S.C. § 102(e) as of its U.S. filing date of **January 3, 2001**.

However, the **January 3, 2001** filing date of Mesh is 19 days prior to the present application's foreign priority date of **January 22, 2001**.

Therefore, the Mesh reference can be removed as prior art by perfecting Applicant's claim to foreign priority based on JP 2001-012997, which was filed on **January 22, 2001**, and filing a declaration under 37 C.F.R. § 1.131 which swears behind the **January 3, 2001** filing date of the Mesh reference, by establishing invention of the subject matter of the present application before the **January 3, 2001** filing date of Mesh.

Accompanying this Request for Reconsideration is an unexecuted Declaration under 37 C.F.R. § 1.131 and corresponding Exhibits 1-4 (and English translations thereof), to expedite prosecution. Applicant notes that the executed Declaration under 37 C.F.R. § 1.131 will be submitted shortly, upon receipt of the original executed document from the inventor.

Applicant also is preparing a verified English translation of the foreign priority document and shortly will file the same upon completion, thereby perfecting Applicant's claim to foreign priority.

For the foregoing reasons, the Mesh reference should be removed as prior art and the Examiner is requested to withdraw these rejections and to permit claims 1-10 and 17-22 to pass to immediate allowance.

II. FORMAL MATTERS

A. Formal Drawings

Applicant reiterates the request for the Examiner to acknowledge receipt of and approve the formal drawings filed on January 18, 2002.

B. Priority under 35 U.S.C. § 119

Applicant also reiterates the request for the Examiner to check Box 12(a)(1) of the Office Action Summary indicating that the certified copies of the priority document have been received.

III. CONCLUSION

In view of the foregoing, Applicant submits that claims 1-27, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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